HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1403 (SS) OF 2001

(Old No. 28556 of 1998)

1. Nand Kishor Suyal,
   S/o Sri Braj Mohan Suyal,
   At present posted as Clerk in Nazul Department,
   Nagar Palika Parishad, Haldwani, Kathgodam,
   District- Nainital
2. Devendra Singh Patwal, S/o Sri Chandan Singh Patwal,
   at present posted as Clerk in Tax Department, Nagar
   Palika Parisahd, Haldwani, District- Nainital

.....Petitioners.

Versus

1. State of U.P, through Secretary Local Self, U.P., Government, Ngaar Vikas Anubhag-Lucknow.
2. Director of Local Bodies, U.P., VIIIth Story, Indra Bhawan, Lucknow. .....Respondents.

Dated: 31.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sir M.C. Kandpal, Advocate for the petitioner and Standing Counsel for the State of U.P.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus commanding and directing the authorities concerned to regularize the services of the petitioners in the Nagar Palika Parishad Haldwani Kathgodam Nainital on their respective posts.

3. Briefly stated, the petitioners were appointed on the post of Clerk in Nazool Department in the year, 1988-89 and since then they are working in concerned department.

4. The grievance of the petitioners is that they have filed representations (Annexure No. 5 to the writ petition) requesting to regularize their service on the ground that juniors to them have already been regularized, but they have not been taken into consideration.

4. In view of the aforesaid, no interference is required at this stage under Article 226/227 of the Constitution of India in view of the judgment of ***Secretary State of Karnataka Vs. Uma Devi 2006(4) SCC Page 1***

5. However, it will be open for the respondents to decide the representations filed by the petitioners in accordance with law applicable to the department itself after taking into consideration, the rules framed by the Nagar Palika and G.O. dated 26.06.1992.

6. Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

31.08.2006
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